

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GAMUCCI, LTD.

Plaintiff,,

v.

Case No. 10 CV 491

C.B. DISTRIBUTORS, INC.,

Defendant,

COMPLAINT

Gamucci Ltd., by its undersigned attorneys, for its complaint against the defendant named above, alleges as follows:

1. Gamucci Ltd. ("Gamucci") is a British limited company with its principal place of business in London, United Kingdom.
2. C.B. Distributors, Inc. ("CB") is an Illinois corporation with its principal place of business in Beloit, Wisconsin.
3. This Court has jurisdiction over this matter and the parties to this action pursuant to 28 U.S.C. § 1332 in that the parties are of diverse citizenship and the matter in controversy exceeds \$75,000 exclusive of interest and costs, and CB is subject to the jurisdiction of this Court under the Wisconsin long arm statute, Wis. Stat. § 801.05
4. Venue is proper in this district under 28 U.S.C. § 1391(a) and (c) because CB resides in this district, a substantial part of the events giving rise to this action occurred in this district and CB is subject to personal jurisdiction in this district.

5. Gamucci is a manufacturer of an alternative to traditional cigarettes which are generically referred to as electronic cigarettes or e-cigarettes.

6. Between August 2009 and April 2010, CB purchased product from Gamucci for resale in the United States. At CB's insistence, Gamucci modified its standard packaging for its products to meet CB's specifications. CB reviewed and approved all packaging before it was finalized and used for product shipped to CB.

7. Between August 2009 and April 2010, Gamucci sold and shipped more than \$2 million of product to CB, at CB's Beloit facilities. Of that total, \$453,404.07 remains unpaid. True and correct copies of the unpaid invoices are attached as Exhibit A.

8. Gamucci sent a letter to CB dated July 15, 2010 demanding payment of the balance due on the account, but CB has failed and refused to make payment.

WHEREFORE, Gamucci demands judgment as follows:

A. For a money judgment against CB in the amount of \$453,404.07, plus interest at the statutory rate from the date of judgment until paid.

B. For its costs and fees as provided by law; and

C. For such other and further relief as the Court may deem just and proper.

Dated this 27th day of August, 2010.

/s Roberta F. Howell
Roberta F. Howell, State Bar No. 1000275
FOLEY & LARDNER LLP
150 East Gilman Street
Post Office Box 1497
Madison, Wisconsin 53701-1497
(608) 257-5035 (phone)
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EXHIBIT A



Unit 9 Imperial Studios,
Imperial Road, London
SW6 2AG
United Kingdom
Tel: +44 (0)870 471 7569
Fax: +44 (0)870 471 7594
Email: mail@gamucci.com
Web: www.gamucci.com

INVOICE

Invoice Address:				Invoice No: 2056	
C.B. Distributors, Inc 2500 Kennedy Drive Beloit WI 53511				Invoice Date: 21/08/2009	
				Customer Acc No: CBDistributors_848	
				Reference: 004_CBDistributors	
Product Code	Description	Quantity	Unit Price	Total	
EL_CONT EL_MIC	EL_CONT (packs) MC-ST-KIT	600 64	\$6.79 \$30.95	\$4074.00 \$1980.80	
				Sub Total	\$6054.80
				Delivery	\$218.27
				VAT – 0.0%	\$0.00
				Grand Total	\$6273.07 USD
Payment Terms: Immediate Please make cheques payable to Gamucci Ltd Bank Details (Paying by Bank transfer/BACS's) Barclays Bank. Soho Branch, PO Box 4WA, 27 Soho Square, London, W1D 3QR Account Name: Gamucci Ltd Account Number: 55329899 Sort Code: 20-78-98 IBAN No: GB28BARC20789855329899 CUSTOMER MUST ACCEPT ALL TRANSFER CHARGES – OTHERWISE GOODS WILL NOT BE SHIPPED					



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INVOICE

Invoice Address:				Invoice No: 2065
C.B. Distributors, Inc 2500 Kennedy Drive Beloit WI 53511				Invoice Date: 12/03/2010
				Customer Acc No: CBDistributors_848
				PO: 009134
Product Code	Description	Quantity	Unit Price	Total
EL_EX EL_EXM	EX-ST-KIT EX-MNT-KIT Discount of \$6,000 off express starter kits on PO 9009	11250 3750	\$12.00 \$12.00	\$135,000.00 \$45,000.00 \$6000.00-
				Sub Total
				\$174,000.00
				Delivery
				TBA
				VAT – 0.0%
				\$0.00
				Grand Total
				\$174,000.00USD

Payment Terms: Immediate

Please make cheques payable to Gamucci Ltd

Bank Details (Paying by Bank transfer/BACS's)

Barclays Bank. Soho Branch, PO Box 4WA, 27 Soho Square, London, W1D 3QR

Account Name: Gamucci Ltd

Account Number: 55329899

Sort Code: 20-78-98

IBAN No: GB28BARC20789855329899

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Web: www.gamucci.com

INVOICE

Invoice Address:				Invoice No: 9288	
C.B. Distributors, Inc 2500 Kennedy Drive Beloit WI 53511				Invoice Date: 19/04/2010	
				Customer Acc No: CBDistributors_848	
				PO: 009172	
Product Code	Description	Quantity	Unit Price	Total	
CAR_MIR	MC-TB-R (50 cases)	23000	\$4.50	\$103,500.00	
CAR_MIM	MC-MNT-R (50 cases)	23000	\$4.50	\$103,500.00	
				Sub Total	\$207,000.00
				Delivery	\$0.00
				VAT – 0.0%	\$0.00
				Grand Total	\$207,000.00 USD
Payment Terms: Immediate Please make cheques payable to Gamucci Ltd Bank Details (Paying by Bank transfer/BACS's) Barclays Bank. Soho Branch, PO Box 4WA, 27 Soho Square, London, W1D 3QR Account Name: Gamucci Ltd Account Number: 55329899 Sort Code: 20-78-98 IBAN No: GB28BARC20789855329899 CUSTOMER MUST ACCEPT ALL TRANSFER CHARGES – OTHERWISE GOODS WILL NOT BE SHIPPED					



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Web: www.gamucci.com

INVOICE

Invoice Address:				Invoice No: 10053	
C.B. Distributors, Inc 2500 Kennedy Drive Beloit WI 53511 Federal ID: 36-4126789				Invoice Date: 20/04/2010	
				Customer Acc No: CBDistributors_848	
				PO: 009262	
Product Code	Description	Quantity	Unit Price	Total	
CAR_MIR	MC-TB-UL (1 case)	460	\$4.50	\$2,070.00	
CAR_MIL	MC-TB-L (1 case)	460	\$4.50	\$2,070.00	
CAR_MIZ	MC-TB-Z	40	\$4.50	\$180.00	
				Sub Total	\$4,320.00
				Delivery	\$0.00
				VAT – 0.0%	\$0.00
				Grand Total	\$4,320.00 USD
Payment Terms: Immediate Please make cheques payable to Gamucci Ltd Bank Details (Paying by Bank transfer/BACS's) Barclays Bank. Soho Branch, PO Box 4WA, 27 Soho Square, London, W1D 3QR Account Name: Gamucci Ltd Account Number: 55329899 Sort Code: 20-78-98 IBAN No: GB28BARC20789855329899 CUSTOMER MUST ACCEPT ALL TRANSFER CHARGES – OTHERWISE GOODS WILL NOT BE SHIPPED					

Gamucci Ltd, Unit 9 Imperial Studios, Imperial Road, London, SW6 2AG, United Kingdom
Tel: +44(0)870 4717569 | Fax: +44(0)870 4717594 | email: mail@gamucci.com | www.gamucci.com
Company Registration: 6458493 | VAT Number: 922 6800 34



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Email: mail@gamucci.com
Web: www.gamucci.com

INVOICE

Invoice Address:				Invoice No: 1888
C.B. Distributors, Inc 2500 Kennedy Drive Beloit WI 53511				Invoice Date: 29/03/2010
				Customer Acc No: CBDistributors_848
				Reference: 014_CBDistributors
Product Code	Description	Quantity	Unit Price	Total
EL_CONT	Gamucci Continental (packs)	7300	\$5.60	\$40,880.00
EL_MIC	Gamucci Micro Starter Kit	564	\$26.50	\$14,946.00
CAR_MIC	Gamucci Micro Cartridges	1330	\$4.50	\$5,985.00
				Sub Total
				\$61,811.00
				Delivery
				TBA
				VAT – 0.0%
				\$0.00
				Grand Total
				\$61,811.00 USD

Payment Terms: 60 days, stock received

Please make cheques payable to Gamucci Ltd

Bank Details (Paying by Bank transfer/BACS's)

Barclays Bank. Soho Branch, PO Box 4WA, 27 Soho Square, London, W1D 3QR

Account Name: Gamucci Ltd

Account Number: 55329899

Sort Code: 20-78-98

IBAN No: GB28BARC20789855329899

CUSTOMER MUST ACCEPT ALL TRANSFER CHARGES – OTHERWISE GOODS WILL NOT BE SHIPPED